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NORTHERN DIST. OF TX
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IN THE UNITED STATES DISTRICT COURT DISTRICT COURT PM 12:10

2 **FOR THE NORTHERN DISTRICT OF TEXAS**

DEPUTY CLERK *NT*

3 **DALLAS DIVISION**

4 TSUKUDA-AMERICA INC. AND) Civil Action No. 3:10-cv-00136-M
5 JOHN W. PETROS: Counter Claimants)
6)
7 VS) DEFENDANTS COUNTERCLAIM
8)
9 UNITED STATE SECURITIES AND EXCHANGE)
10 COMMISSION, ROBERT LONG, R. JOANN)
11 HARRIS, ROBERT C. HANNAN, DAVID (SEC)
12 AUDITOR), FRANK ROBERSON, JAMES K.)
13 MCKILLOP, TIMBER CREEK CORPORATION,)
14 WWW.TCC5.COM, JAMES M. CASSIDY,)
15 CASSIDY & ASSOCIATES, MIKE SILVA, MIKE)
16 MIHELIC, COREY FISCHER, BRUCE)
17 WEINBERG, ELLIOT A. WEINBERG, JAMES)
18 TOKRYMAN AND WEIBERG & COMPANY:)
19 Counterclaim Defendants)
20)
21)
22)
23)
24)
25)

13 **DEFENDANTS COUNTER CLAIM**

14 Pursuant to Federal Rules of Civil Procedure 13, Counter Claimants Tsukuda-America Inc.
15 and John W. Petros submits the following counterclaim against UNITED STATE SECURITIES
16 AND EXCHANGE COMMISSION, ROBERT LONG, R. JOANN HARRIS, ROBERT C. HANNAN,
17 DAVID (SEC AUDITOR), FRANK ROBERSON, JAMES K. MCKILLOP, TIMBER CREEK
18 CORPORATION, WWW.TCC5.COM, JAMES M. CASSIDY, CASSIDY & ASSOCIATES, MIKE
19 SILVA, MIKE MIHELIC, COREY FISCHER, BRUCE WEINBERG, ELLIOT WEINBERG, JAMES
20 TOKRYMAN AND WEIBERG & COMPANY (Counterclaim Defendants) in this action.

21 **Jurisdiction and Venue**

- 22
23
24 1. This is a counterclaim seeking actual damages and punitive damages against
25 Counterclaim Defendants.

1
2. This Court has jurisdiction to redress Counter Claimants for such damages under its
3 inherent authority.

4
5. Counter Claimants asserts a counterclaim against Counterclaim Defendants for abuse of
6 the authority granted Counterclaim Defendants under the Securities Act of 1933 and the
7 Securities Exchange Act of 1934 and asserts a counterclaim against each of the
8 Counterclaim Defendants individually and as a group, for acting individually or in concert
9 and causing irreparable damage to Counter Claimant's business and reputation.

10
11 PARTIES

12 4. Counter Claimants Tsukuda-America Inc. and John W. Petros reside in Rockwall and
13 Richardson, Texas.

14
15 5. Counterclaim Defendants United States Securities and Exchange Commission, James M.
16 Cassidy, and Cassidy & Associates (Washington D.C.), Robert Long, R. Joann Harris, Robert
17 C. Hannan, David (SEC Auditor) (Fort Worth, Texas), Frank Roberson, James K. McKillop,
18 Corey Fischer, Timber Creek Corporation, www.tcc5.com (Los Angeles, California), Mike
19 Silva, Mike Mihelic (Indianapolis, Indiana) and Bruce Weinberg, Elliot A. Weinberg, James
20 Tokryman, Weinberg & Company (Boca Raton, Florida).

1 COUNTER CLAIM

2

3 COUNT 1: Counterclaim Defendants filed a false and misleading Federal Court action (Civil
4 Action No. 3:10-cv-00136-M) that is spiteful, revengeful and Counterclaim Defendants acted
5 with malice thereby causing irreparable damage to Counter Claimant's business and
6 reputation.

7

8 COUNT 2: Counterclaim Defendants knew or should have known the Federal Court action
9 (Civil Action No. 3:10-cv-00136-M) was false and misleading and that it would cause
10 irreparable damage to Counter Claimant's business and reputation.

11

12 COUNT 3: Counterclaim Defendants, working individually or in unison conspired to deprive
13 Counter Claimants of its business and property.

14

15 COUNT 4: Counterclaim Defendants, working individually or in unison conspired to damage
16 Counter Claimant's business and reputation.

17

18 COUNT 5: Counterclaim Defendant United States Securities and Exchange Commission
19 (Commission) knew or should known Counterclaim Defendants were operating outside the
20 scope of authority granted the Commission under the Securities Acts thereby assisted in
21 damaging Counter Claimant's business and reputation.

1 FACTS OF THE COUNTERCLAIM

2

3 6. On knowledge and information available Counter Claimants believe that Counterclaim

4 Defendants James M. Cassidy, and Cassidy & Associates, Frank Roberson, James K.

5 McKillop, Corey Fischer, Timber Creek Corporation, www.tcc5.com, Mike Silva, Mike Mihelic

6 and Weinberg & Company operate in unison and individually under the control of James M.

7 Cassidy (Cassidy Cartel).

8

9 7. Counterclaim Defendants United States Securities and Exchange Commission

10 (Commission), and Robert Long, R. Joann Harris, David (SEC Auditor) each individually

11 knew or should have known the Cassidy & Associates and Weinberg & Company have been

12 linked to filing false and misleading registration statement with the Commission. (See

13 Administrative Proceeding File No. 3-10502) and (See Administrative Proceeding File No. 3-

14 10385).

15

16 8. The list of companies connected to the Cassidy & Associates and Weinberg & Company

17 (Cassidy Cartel) is almost endless including

18

19 Alpine Entertainment Inc., Aspac Communications Inc., Beverly Hills

20 Ltd, Inc., Cbcom, Inc., China Direct Industries, Inc., Emerging Markets

21 Corp, Global Food Technologies, Inc., ICC Worldwide, Inc., International

22 Surfacing, Inc., M Line Holdings, Inc., Nextpath Technologies, Inc.,

23 Petrocal Inc., Prime Star Group, Inc., Solvis Group, Inc., Synergie

24 Holding Limited, Inc., and Vestin Group, Inc.

1 and Cassidy with Weinberg & Company operate in conjunction with Timber Creek
2 Corporation and Timber Creek's internet web site www.tcc5.com operated by Frank
3 Roberson and James K. McKillop for Cassidy & Associates (Cassidy Cartel) have been
4 intertwined for many years with the following

5
6 Cabinet Acquisition Corp, Canister Acquisition Corp, Console Acquisition
7 Corp, Greenmark Acquisition Corp, Hightower Acquisition Corp and
8 Spinnnet Acquisition Corp.

9
10 INTRODUCTION

11
12 9. On or about January 20, 2009 Counter Claimants were contacted by Frank Roberson
13 (Roberson) of the Timber Creek Corporation (Timber Creek) (www.tcc5.com) in Beverly
14 Hills, California that received our contact information from an associate that informed
15 Timber Creek that Counter Claimants were seeking a broker to assist Counter Claimants in
16 raising capital for mining properties.

17
18 10. Roberson informed Counter Claimants that "The person that can help you (Counter
19 Claimants) best is our senior consultant, Mr. Jim McKillop (McKillop) and his private cell
20 number is (310) 849-6540". After speaking with McKillop shortly it was decided that
21 McKillop would have Timber Creek's attorney Mr. James M. Cassidy of Cassidy & Associates
22 (Cassidy) contact Counter Claimants in a few days.

23
24 11. On or about January 28, 2009 Counter Claimants received a response from Cassidy and
25 received information concerning the procedure and timeline to completion. Counter

1 Claimants were informed that Cassidy would have an associate in the northeast contact
2 Counter Claimants in a few days.

3
4 12. Counter Claimants was contacted by Cassidy's associate Mike Silva (Silva) on or about
5 February 1, 2009 and was instructed to form a new corporation in Indiana and use Cassidy's
6 offices Indianapolis, Indiana for the registered agent.

7
8 Additionally Counter Claimants was to file for and receive the log-on and password for filing
9 document with the Commission online and pass that information to Silva. Cassidy would
10 maintain the company records and issue shares of stock, complete and file the registration
11 statement online and well as have the financial information, consents and supporting
12 documents completed. Counter Claimants was informed and therefore believe that the
13 Cassidy Cartel had the know-how to complete this process properly.

14
15 13. The registration statement became effective on or about April 4, 2009 and Counter
16 Claimants believed the process was completed properly as the Commission approved the
17 filing without review.

18
19 14. Shortly thereafter Counter Claimants became aware of a pump and dump scheme
20 proposed by the Cassidy Cartel with a Canadian company (International Strategic
21 Investments) known to Counter Claimants to use false and misleading information and have
22 been known to use two separate stock transfer agencies for one company. When Counter
23 Claimants objected Counter Claimants were removed from the company and replace by the
24 Cassidy Cartel directors and officers.

1 15. After removing and replacing Counter Claimants, the Cassidy Cartel through its
2 Directors and Officers Roberson, McKillop, Cassidy, Silva and Mihelic in Cassidy's offices in
3 Indianapolis, Indiana, took control of Counter Claimant's Company and filed the registration
4 statement that the Commission is now questioning.

5

6 16. Instead of contacting Counter Claimants about the questionable registration statement
7 the Commission decided that the Counter Claimants were automatically guilty and focused
8 on Counter Claimants with the full weight of the Commission's guns using ambush
9 telephone calls to attempt entrap, subpoenas to intimidate, barrage of documents to
10 terrorize, annoyed business contacts, family and neighbors. These actions were committed
11 by Robert Long, R. Joann Harris, Robert C. Hannan, David (SEC Auditor) as agents for the
12 Commission and individually, outside the scope of authority granted them in the Securities
13 Act. (Note: Upon request neither Robert Long nor Robert C. Hannan would give Defendants
14 the last name of David (SEC Auditor) a party to this counterclaim.)

15

16 17. The Commission knew or should have known and individually Robert Long, R. Joann
17 Harris, Robert C. Hannan, David (SEC Auditor) each knew or should have known that the
18 Cassidy Cartel have been linked to filing false and misleading registration statement with
19 the Commission. (See Administrative Proceeding File No. 3-10502) and (See Administrative
20 Proceeding File No. 3-10385).

1 FACTS DISCOVERED IN COMMISSIONS FILES AND BY GOOGLE SEARCH
2

3 18. Counter Claimants found this information in a brief search of the Commissions files and
4 records listed online and by Google search online on February 7, 2010. This information was
5 available and located within a few hours by Counter Claimants.
6

7 To wit:
8

9 James M. Cassidy "... repeatedly made false and misleading
10 disclosures in documents filed with the Commission."
11

12 (See Administrative Proceeding File No. 3-10502)

13 James K. McKillop "... solicited purchasers of shell companies
14 though an internet website" www.tcc5.com and "After screening
15 potential purchaser referred them to a securities lawyer" James
16 M. Cassidy. (See Administrative Proceeding File No. 3-10385)
17

18 19. Counterclaim Defendants perpetrated the same scheme on Counter Claimant right
19 under the watchful eye of the Commission and with the assistance of Cassidy Cartel.
20

21 20. Counter Claimants have been systemically, intentionally interfered and damaged by the
22 Commission's failure to protect Counter Claimants from the Cassidy Cartel and investigate
23 properly facts that are blindingly clear in the questionable registration statement giving the
24 exact pattern has been perpetrated previously. Counter Claimants have suffered monetary
25 loss, loss of business, damage to reputation and suffered public ridicule by the action of
Counterclaim Defendants and by the Commission that acted spiteful, revengeful and with
malice.

1 RELIEF REQUESTED
2

3 THEREFORE, Counter Claimants respectfully requests that this Court:

4 I. Permanently enjoin the Commission filing false allegations against Counter Claimants.
5

6 II. Direct the Commission to pay money damages in an amount of ten (\$10) million to
7 Counter Claimants.
8

9 III. Direct each Counterclaim Defendants individually and each member of the Cassidy
10 Cartel to pay money damages in the amount of one (\$1) million to Counter Claimants.
11

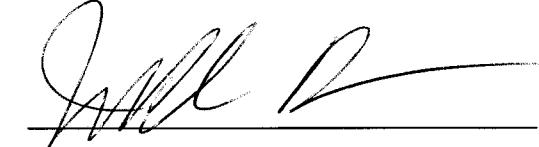
12 IV. Direct the Commission to pay triple money damages for acting with malice and Counter
13 Claimants pray this amount is set as large as possible to prevent further spiteful, revengeful
14 actions by the Commission.
15

16 V. Direct the Counterclaim Defendants to pay triple money damages to Counter Claimant for
17 repeating the internet scheme for a second in violation of the Commission's order.
18

19 VI. Order such further relief as this Court may deem just and proper.
20

Dated: February 16, 2010.

21 Respectfully submitted,
22

23 
24 Tsukuda-America Inc. and John Petros
25 Counter Claimants
26 214 500 1853